

**FILED**

**DEC 19 2003**

**CATHY A. CATTERSON  
U.S. COURT OF APPEALS**

**NOT FOR PUBLICATION**  
**UNITED STATES COURT OF APPEALS**  
**FOR THE NINTH CIRCUIT**

CHARLES ROSS,

Petitioner - Appellant,

v.

SYLVIA GARCIA, Warden,

Respondent - Appellee.

No. 01-56827

D.C. No. CV-00-00760-VAP

ORDER

Before: NOONAN, TALLMAN, and RAWLINSON, Circuit Judges.

The Memorandum disposition filed on September 8, 2003, is withdrawn.

The petition for rehearing is granted. A new Memorandum disposition will be filed contemporaneously with this Order.